

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:22-CV-22671-ALTONAGA/TORRES

DELIO BATISTA,  
MARIANA LOPEZ,  
CARLOS LOPEZ, AND  
RAFAELA VALIENTE,

Plaintiffs,

vs.

AVANT ASSURANCE INC.,  
REINIER CORTES, AND  
ANDREA GONZALEZ  
QUINTERO,

Defendants.

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**PLAINTIFFS' MOTION TO COMPEL TAX DOCUMENTS**

Plaintiffs, Delio Batista, Mariana Lopez, Carlos Lopez, and Rafaela Valiente, through their undersigned counsel, request the Court to issue an Order compelling the Defendants to provide their 1099 tax documents so that they can file their taxes on time, and state the following:

1. All Plaintiffs worked for Defendants in 2022.
2. Defendants improperly classified the Plaintiffs as independent contractors and paid them as independent contractors.
3. Although the Plaintiffs dispute their status as independent contractors in this litigation, they need their 1099 tax forms to file their taxes.
4. The Plaintiffs must file their 2022 taxes by April 15, 2023.

5. The Defendants were required to issue 1099s to the Plaintiffs by January 31, 2023. *See* Exhibit A, IRS General Reporting document.<sup>1</sup>
6. The Defendants have yet to provide the Plaintiffs with the 1099s despite repeated requests for the documents.
7. The parties attended mediation on the morning of February 22, 2023, and undersigned counsel verbally informed defense counsel and all Defendants that Plaintiffs needed the 1099s to file their taxes. Neither defense counsel or the Defendants responded to the verbal request.
8. That same afternoon, after the mediation, undersigned counsel sent defense counsel an email requesting the 1099s, and never received a response to the email. *See* Exhibit B.
9. Undersigned counsel also called defense counsel on the phone on February 22, 2023 requesting the tax documents, and was informed defense counsel was unavailable to speak.
10. Plaintiff Delio Batista sent an email to the Defendants earlier this month requesting his 1099 and never received a response. *See* Exhibit C.
11. Plaintiff Mariana Lopez sent the Defendants an email on March 6, 2023 requesting her 1099 and never received a response. *See* Exhibit D.
12. Plaintiff Carlos Lopez sent the Defendants an email on March 2, 2023 requesting his 1099 and never received a response. *See* Exhibit E.
13. Undersigned counsel attempted to call defense counsel again on March 9, 2023 to request his clients' tax documents and was informed that defense counsel was unavailable.

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<sup>1</sup> The General Reporting document can be found on the IRS's website at <https://www.irs.gov/businesses/small-businesses-self-employed/a-guide-to-information-returns>.

14. Plaintiffs will also request their 1099s in discovery, but that discovery will not be due for 30 days, which would allow Defendants to continue delaying the issuance of the tax documents that they were required to provide by January 31, 2023.
15. Furthermore, there is no guarantee that Defendants will timely comply with their discovery obligation based on the non-responsiveness that has been demonstrated so far.
16. Plaintiffs need adequate time to prepare their taxes before April 15, 2023, and will not have enough time if they only receive them a week before the taxes need to be filed.
17. Therefore, Plaintiffs request this Court issue an Order compelling the Defendants to provide them with their 1099 tax documents within five (5) days of issuance.

**LOCAL RULE 7.1 CERTIFICATION**

Undersigned counsel made reasonable efforts to confer with defense counsel about the relief requested in this motion as explained above, but without success.

Respectfully submitted on March 9, 2023.

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